

REMARKS

Applicants have amended each of claims 113 and 114 to place them in independent form by incorporating the language of the respective claim from which they previously depended. Applicants have also amended independent claims 60, 61, and 70. Claims 60, 61, 63-68, 70-72, 74-79, 113, and 114 are pending.

In the Office Action, claims 60, 61, 63-68, 70-72, 74-79, 113, and 114 were rejected under 35 U.S.C. § 102(e) based on U.S. Patent 5,848,989 to Villani. The Office Action asserts that Villani discloses an access port and cites reference numerals 5, 7, and 8 of Villani for the asserted disclosure of an access site, an entry site, and a reservoir, respectively. (Office Action at 2-3.) In addition, the Office Action cites reference numeral 13 of Villani for the asserted disclosure of a stylet. (Id. at 2.)

Applicants respectfully submit that the Section 102(e) rejection should be withdrawn because Villani does not disclose the subject matter recited in independent claims 60, 70, 113, and 114. For example, Villani lacks disclosure of a device “configured to permit access to [a] reservoir via [an] access site without passing through [an] entry site,” as recited in claims 60 and 70, as amended. Even hypothetically if reference numerals 5 and 7 of Villani were to be considered to correspond to an access site and an entry site, as asserted in the Office Action, Villani does not disclose a configuration that “permit[s] access to [a] reservoir via [an] access site without passing through [an] entry site,” as recited in amended claims 60 and 70. For example, as shown in Fig. 3 of Villani, in order for an end of a needle 13 to reach the reservoir 8 via a flared open end 5 of a housing 2, the end of the needle 13 must pass through an inlet 7. Indeed, Villani discloses that the “flared open end 5 of the housing 2 effectively

guides a needle 13 to the inlet 7 so that the needle may penetrate [a] septum 4.” Col. 5, lines 23-25. Thus, Villani does not disclose the device recited in claims 60 and 70.

Villani also does not disclose the system recited in claims 113 and 114, including, among other features, one of a guidewire and a stylet in combination with an access port device having a configuration that “permit[s] insertion of said one of a guidewire and a stylet through [a] body portion and into [an] outlet . . .” Contrary to the assertion in the Office Action, reference numeral 13 of Villani refers to a needle, which is not necessarily the same as, and does not disclose, “one of a guidewire and a stylet,” as recited in claims 113 and 114. Moreover, even hypothetically if the needle 13 of Villani were to be considered as being one of a guidewire and stylet, Villani does not disclose a configuration that would permit inserting the needle 13 “through [a] body portion and into [an] outlet,” as recited in claims 113 and 114. For example, Villani lacks any disclosure of a configuration that permits an end of needle 13 to pass through the outlet 9. Accordingly, Villani does not disclose the system recited in claims 113 and 114.

For at least these reasons, independent claims 60, 70, 113, and 114 should be allowable over Villani. Claims 61, 63-68, 71, 72, and 74-79 depend from either claim 60 or claim 70 and, thus, those dependent claims should also be allowable.

Applicants respectfully request reconsideration of this application, withdrawal of the claim rejection, and timely allowance of the pending claims.

The Office Action contains a number of statements relating to the claims of the present application and the cited reference. Applicants decline to subscribe to any

statement in the Office Action, regardless of whether it might be specifically mentioned above.

An Interview Summary attached to the Office Action describes telephone conversations between the Examiner and the undersigned in October 2005. The description contained in the Interview Summary appears to be consistent with the undersigned's recollection of those conversations.

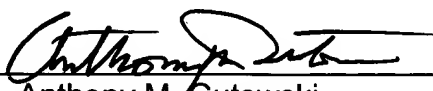
If a further telephone conversation might advance prosecution of the present application, the Examiner is invited to contact the undersigned (571-203-2774).

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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